

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION**

-----)	
)	
In re FEDEX GROUND PACKAGE)	
SYSTEM, INC., EMPLOYMENT)	Case No. 3:05-MD-527 RM
PRACTICES LITIGATION)	(MDL 1700)
)	
-----)	CHIEF JUDGE MILLER
THIS DOCUMENT RELATES TO:)	MAGISTRATE NUECHTERLEIN
)	
ALL ACTIONS)	
-----)	

ORDER

Upon consideration of the Plaintiffs' Unopposed Motion To Amend The Case Schedule And File Amended Complaints, and for good cause shown, it is hereby GRANTED and ORDERED that:

1. This court's July 19, 2008 Order (Doc. No. 1425) is amended to extend certain deadlines applicable to the thirteen cases addressed by this Court's order of July 27, 2009 (Doc. No. 1770), as follows:
 - a. Regarding the eight cases in which class certification was granted on July 27, 2009 (i.e., Arizona (*Gibson*), Georgia (*White*), Louisiana (*Boudreaux*), Nevada (*DeCesare*), Oregon (*Leigher*), North Carolina (*Whiteside*), Ohio (*Kelly*), Utah and (*Fishler*)), the parties shall file any motions for summary judgment/adjudication of employment/independent contractor status by **September 28, 2009**. Responses in opposition to those motions shall be filed

by **November 12, 2009** and movants shall file any reply to said oppositions by **December 14, 2009**.

- b. Regarding the five cases in which class certification was denied on July 27, 2009 (i.e., Connecticut (*Magno*), Colorado (*Flores*), Vermont (*Gruhn*), and *Givens* and *Vargas*), may, by **September 30, 2009**, amend their complaints solely to add additional named Plaintiffs (former putative class members), with discovery stayed pending resolution of motions for summary adjudication and motions to amend class certification orders to be file in accordance with the schedule ordered herein. Plaintiffs will provide Defendant with a copy of their Amended Complaint three days before filing for review and will file the amended Compalint with this Order. Once discovery opens for these cases, ti will be limited to the newly-added Plaintiffs and their claims, and depositions shall be limited as follows:
 - i. Defendant will be permitted to depose 85 percent of the new named Plaintiffs for a maximum of four hours, and 15 percent⁵ of the new named Plaintiffs for a maximum of eight hours.
 - ii. Plaintiffs will be permitted to depose terminal management in the terminals where new named Plaintiffs work and shall be permitted to depose previously undeposed regional managing directors and regional operations engineering managers whose responsibilities include terminals where new named Plaintiffs work, but Plaintiffs shall not be permitted to depose any other regional staff or corporate staff, officers or directors.

- c. Regarding the five cases in which class certification was denied on July 27, 2009 (i.e., Connecticut (*Magno*), Colorado (*Flores*), Vermont (*Gruhn*), and *Givens* and *Vargas*), the parties shall file any motions for summary judgment/adjudication of employment/independent contractor status by **October 30, 2009**. Responses in opposition to those motions shall be filed by **December 14, 2009** and movants shall file any reply to said oppositions by **January 13, 2009**. The responses in opposition to any motion to alter/amend the class certification order filed simultaneously with the motions for summary judgment/adjudication shall be filed by **December 14, 2009** and any replies thereto shall be filed by **January 13, 2009**.
- d. All page limits previously imposed on summary adjudication motions remain in effect.

SO ORDERED.

Date: August 13, 2009

S/Christopher A. Nuechterlein
United States Magistrate Judge
United States District Court
Northern District of Indiana

